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California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

May 16, 2012

Ms. Ann Ravel, Chair
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

RE: May 17, 2012, FPPC Meeting, General Item 11: Proposed Cal. Codes Regulations., title 2, §18313.6 – Internet Posting of Elected Officials' Personal Information.

Dear Ms. Ravel:

On behalf of the California State Sheriffs' Association (CSSA), I submit the following comments on the Fair Political Practices Commission's (FPPC) proposed Cal. Codes Regulations §18313.6, On-line Posting, Redacting Personal Information.

CSSA is very concerned with the public safety implications of this proposed regulation – in either of its proposed alternatives. A requirement that elected officials post Form 700s on-line creates an elevated threat for that category of filers. For example, judicial officers (who will be decidedly impacted by this proposed Regulation), impose the final decisions on litigants: Depriving them of liberty, defining their visitation and custody rights with children, determining civil accountability, ruling on personal injury litigation, or interpreting contracts. The level of vitriol aimed at judicial officers is unhappily a fact of life. On average, a judicial officer in the United States is killed every 36 months; this underscores the very real risks faced by judges. Similarly, other civil judges (particularly Family Court judges) face significant threats against them as well.

As elected Sheriffs, we will certainly be impacted as well. We are “the face” of our departments, and as such, are the target for individuals who may feel they were unfairly or unjustly treated by law enforcement. Posting Form 700s on the Internet puts not only ourselves, but our families at great risk.

The recognition of this reality on the federal side accounts for the fact that no federal judges' financial disclosures are posted on the Internet. As a matter of fact, the federal procedures allowing a person to gain access to a federal judge's financial and personal disclosure are strict. These safe-guards include notice to the judge, a 5 day waiting period, and inspection of the form in-person only. Congress recognized the high threat level presented to judicial officers by disclosure of their personal information. We believe that the federal model is the most prudent public safety approach.

1231 I Street, Ste 200 ★ Sacramento, California 95814
P O Box 958 ★ Sacramento, California 95812

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CSSA believes that the safety of elected Sheriffs, judicial officers and their families would be well served by exempting them completely from the FPPC's policy of posting Form 700s on the Internet. We believe that the current practice of filing a completed FPPC Form 700 locally and with the FPPC (without Internet posting) correctly balances the Commission's goal of transparency and access to information, against protecting elected officials' security.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'KR', with a stylized flourish extending to the right.

Keith Royal, CSSA President
Sheriff, Nevada County

KR/cmc

cc: California Sheriffs
Alameda County Sheriff Greg Ahern, CSSA Political Action Committee Chair
Carmen Green, CSSA Deputy Executive Director
Nick Warner, CSSA Legislative Director
Martin Mayer, CSSA General Counsel